

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN FUCHS, PATRICK MORIN, ANTHONY  
MACAGNONE, MICHAEL CONROY, DAVID  
HAINES, GEOFFREY JAMES, JAMES MALCOM,  
WILLIAM MACCHIONE, WALTER KRUPA, ALAN  
EHL, WILLIAM WEITZMAN, KEVIN HICKS,  
JOSEPH OLIVIERI, DALE STUHLMILLER,  
ARTHUR GODSELL, ROBERT CARLINO,  
PAUL J. O'BRIEN, JR., JOSEPH GANIRO,  
ROSS PEPE, RICHARD O'BEIRNE, JAMES LOAN,  
ANTHONY CAROPRESSO and ANTONIO  
MARTINS as Trustees of the EMPIRE STATE  
CARPENTERS WELFARE, PENSION, VACATION,  
ANNUITY, SCHOLARSHIP, LABOR-MANAGEMENT  
CORPORATION and CHARITABLE TRUST FUNDS,

Plaintiffs,

-against-

ORDER ADOPTING REPORT &  
RECOMMENDATION  
04-CV-5309 (JS)(MLO)

A.J. ENRIQUEZ, d/b/a/ BUCKINGHAM  
BUILDERS,

Defendant,

-----X

Appearances:

For Plaintiffs: Marty Gerard Glennon, Esq.  
Meyer, Suozzi, English & Klein, P.C.  
425 Broad Hollow Road, Suite 405  
Melville, NY 11747

For Defendant: No Appearance

SEYBERT, District Judge:

Upon review of Magistrate Judge Michael L. Orenstein's  
Report and Recommendation, which was entered on the record during  
a Hearing at the United States District for the Eastern District of  
New York on December 13, 2005, to which no party has objected, the  
Court hereby ADOPTS the Report and Recommendation in its entirety.

Plaintiffs' motion for a default judgment is GRANTED. Defendant is directed to submit to a payroll audit within thirty (30) days of service of this Order. In addition, Plaintiffs are awarded \$3,453.77 as compensation for attorneys' fees and costs.

At the conclusion of the Hearing, Magistrate Judge Orenstein directed Plaintiffs' counsel to serve Defendant with a copy of the transcript containing the Report and Recommendation. Magistrate Judge Orenstein provided that any objections were to be filed with the Clerk of the Court within ten days of the date of service. Plaintiffs filed proof of service indicating that a copy of the transcript was served on Defendant on March 2, 2006, via overnight mail. The time for filing objections has expired and no Party has objected. Accordingly, the Court deems all objections waived.

Therefore, the Court ADOPTS Magistrate Judge Orenstein's Report and Recommendation in its entirety. Defendant is ORDERED to submit to a payroll audit within thirty (30) days of service of this Order. In addition, Plaintiffs are awarded \$3,453.77 as compensation for attorneys' fees and costs.

SO ORDERED

Dated: Central Islip, New York  
March 28, 2006

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.